

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MICHAEL WATSON, INDIVIDUALLY,  
AND AS FATHER AND NEXT FRIEND  
OF JOHN WATSON, PPA  
Plaintiff

Civil Action No. 04-11782 DPW

v.

PARTNER INDUSTRIAL PRODUCTS  
Defendant

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), the plaintiff and defendant have conferred and submit the following joint statement and proposed pretrial schedule in anticipation of the Scheduling Conference scheduled for September 28, 2004.

**I. BACKGROUND**

This is a product liability case in which the plaintiff alleges that the defendant, Partner Industrial Products, a division of Electrolux Outdoor Products, Inc., designed, manufactured and sold a defective cut-off saw which caused severe personal injury to Michael Watson in the form of severing the peroneal nerve in his lower left leg. The accident occurred on December 5, 2001, while Mr. Watson, a construction laborer, was using an electric cut-off saw to cut rebar in an access tunnel on the Central Artery Tunnel project in Boston.

The Defendant denies the plaintiff's contention that the saw was improperly designed in any respect. Based on the information available to the defendant, the plaintiff's injury was caused by his own conduct and not by any design defect in the saw. Specifically, the defendant has raised the plaintiff's own negligence as a defense and contends that if the saw was defective,

which the defendant denies, the plaintiff proceeded unreasonably to use the saw despite his knowledge of the alleged defect and danger.

## II. PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN

### Initial disclosures:

October 12, 2004: Initial disclosures to be completed.

### Amendments to the Pleadings:

November 15, 2004: All amendments to be filed.

### Fact Discovery:

April 29, 2005: Fact discovery to be completed.

### Expert Discovery:

May 30, 2005: Plaintiff's expert disclosure to be served.

June 30, 2005: Defendant's expert disclosure to be served.

August 31, 2005: Depositions of experts, if any, to be completed.  
(Depositions of plaintiff's experts to be preceded by depositions of defendant's experts.)

### Summary Judgment Motions

September 30, 2005: Motions for summary judgment, if any, must be filed.

November 30, 2005: Opposition to motion for summary judgment, if any, must be filed.

December, 2006: Reply to motion in opposition to summary judgment, if any, must be filed.

## III. MAGISTRATE

The parties are unwilling, at this time, to consent to trial by a Magistrate Judge.

IV. SETTLEMENT PROPOSAL

The plaintiff has made a settlement proposal to the defendant. Before the scheduling conference, the defendant will have conferred with its client on the subject of settlement and will be prepared to respond to the proposal at the scheduling conference.

V. CERTIFICATION OF CONSULTATION

The parties will separately file the Certifications required by Local Rule 16.1(D)(3).

MICHAEL WATSON and JOHN WATSON,  
By their attorneys,

/s/ Jonathan E. Tobin

Jonathan E. Tobin, BBO No. 068560  
Thomas Drechsler, BBO No. 134840  
James E. Byrne, BBO No. 068560  
FINNERAN, BYRNE & DRECHSLER, LLP  
50 Redfield Street  
Boston, MA 02122  
(617) 265-3900

ELECTROLUX PROFESSIONAL OUTDOOR  
PRODUCTS, INC.,  
By its Attorneys

/s/ David A. Barry

David A. Barry BBO No. 031520  
SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

Dated: September 22, 2004